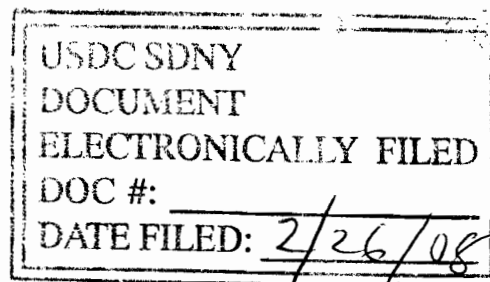




THE CITY OF NEW YORK
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February 25, 2008

BY FAX

Honorable Shira A. Scheindlin
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: David Floyd, et al., v. The City of New York, et al.,
08 CV 01034 (SAS)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant City of New York, and am writing to request an additional forty-five (45) days to answer or otherwise respond to the complaint. Defendant has not previously requested an extension of time to respond to the complaint. Plaintiffs' counsel have consented to this extension.

In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, defendant requests this additional time to investigate the allegations of the complaint. Furthermore, assuming plaintiffs effect timely service on the individual defendants,¹ this extension would allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based upon a review of the facts of the case, whether we may represent them. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

*Request granted. Defendants' time to move
or answer is extended to April 10, 2008. No*

¹ Upon information and belief, the individual defendants have not been served with process in this case.

further extensions

*So Ordered.
JAC/SC
2/26/08*

Accordingly, defendant respectfully requests that the time to respond to the complaint be extended to April 10, 2008. Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda Donahue", written in a cursive style.

Linda Donahue
Assistant Corporation Counsel

cc: Kamau Franklin, Esq.